



FISCAL MEMORANDUM

HB 1400 - SB 1219

March 13, 2023

SUMMARY OF BILL AS AMENDED (005367): Requires the sentence for a person convicted of rape be no less than a sentence imposed for a Range II offender, if the victim of the offense is at least 13 years old but less than 18 years old. Enhances the penalty for incest if the victim is a minor, from a Class C felony to a Class B felony. Requires the sentence for a person convicted of incest be no less than a sentence imposed for a Range II offender, if the victim is a minor.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-503(b) rape is a Class B felony.
- Pursuant to Tenn. Code Ann. § Pursuant to Tenn. Code Ann. §39-15-302(b), incest is a Class C felony.
- Pursuant to Tenn. Code Ann. § 40-35-112(b)(2), a Range II sentence for a Class B felony offense is not less than 12 years nor more than 20 years.
- Pursuant to Tenn. Code Ann. § 40-35-112(b)(3), a Range II sentence for a Class C felony offense is not less than 6 years nor more than 10 years.
- Pursuant to Tenn. Code Ann. § 40-35-501(aa)(1), as amended by Public Chapter 563 of 2021, a person convicted of rape or incest on or after July 1, 2021 is required to serve 100 percent of the sentence imposed.
- The average sentence for a Class B felony offense of rape is 9.89 years.
- The average sentence for a Class C felony offense of incest is 5.28 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, this analysis estimates the highest cost for admissions in the next three years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding three years in length surpass the window of this analysis and will not significantly impact incarceration costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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